

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOAN T. KLOTH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action 06-CV-244 (SLR)
)	
SOUTHERN CHRISTIAN UNIVERSITY,)	
BOARD OF DIRECTORS, <i>et al.</i> ,)	
)	
Defendants.)	

**RESPONSIVE BRIEF OF DEFENDANTS IN OPPOSITION TO THE
MOTION OF PLAINTIFF FOR SUMMARY JUDGMENT**

Defendant Southern Christian University, and its Board of Directors, (collectively, "Southern Christian") submits this responsive brief in opposition to the Motion For Summary Judgment filed by plaintiff Joan T. Kloth.

Plaintiff's motion argues that Southern Christian did not file an answer or other responsive pleading to plaintiff's complaint alleging religious discrimination and breach of contract. Southern Christian has filed in this matter, on October 20, 2006, a Motion to Dismiss for lack of personal jurisdiction, along with supporting affidavits of Southern Christian. As such, Southern Christian has filed a responsive pleading to plaintiff's complaint. Accordingly, Southern Christian contends that plaintiff's motion for summary judgment is moot, and should be denied.

Southern Christian also notes that plaintiff recently served upon Southern Christian a "Motion To Amend Complaint." *See* Exh. A. From a review of the docket for this matter, it does not appear that as of October 20, 2006, this motion has been filed with the Court. Moreover, a review of plaintiff's motion shows that plaintiff is seeking to substantively amend

her original complaint. Upon the filing of this motion, defendants will timely respond to it, although defendants do contend, as set forth in their motion to dismiss for lack of personal jurisdiction, that even with plaintiff's motion to amend, there still is no basis for this Court to exercise personal jurisdiction over defendants.

Southern Christian respectfully requests that this Court deny the Motion for Summary Judgment of plaintiff, and consider on the merits the pending Motion to Dismiss, for lack of personal jurisdiction, filed by Southern Christian.

STRADLEY RONON STEVENS & YOUNG, LLP

October 20, 2006



Kevin W. Goldstein (DE Bar #2967)
Michael P. Migliore (DE Bar #4331)
300 Delaware Avenue, Suite 800
Wilmington, Delaware 19801
(302) 576-5850

Attorneys for Defendants,
Southern Christian University,
And its Board of Directors

Exhibit A

UNITED STATES DISTRICT COURT

WILMINGTON, DE

CASE NO. 06-244-SLR

Joan T. Kloth

PLAINTIFF

Vs.

Southern Christian University;
Board of Directors; et.al

DEFENDANTS

MOTION TO AMEND COMPLAINT

* * * * *

Appellant, Joan Kloth ("Appellant"), PRO SE, hereby moves under Federal Civil Rule 59(c) to amend the Complaint filed against Southern Christian University, solely for the purpose of seeking to hold Southern Christian University liable for any and all student loans pertaining to this lawsuit in the amount of \$58,000. In support of this motion, Appellant shows as follows:

BACKGROUND

1. The Plaintiff, Joan T. Kloth, a resident of New Castle County, DE, residing at 37 Winter Haven Drive, Apt.1, Newark, DE 19702 in the referenced matter respectfully requests an Application to file a \$2,058,000 lawsuit against the named Defendants, Southern Christian University (hereafter referred to as "SCU"), et. al, located at 1200 Taylor Avenue, Montgomery, Alabama 36117-3553 for Breach of Implied Contract to provide a complete education and Religious Discrimination against Plaintiff, who is of a different religious belief than the Defendants, which caused irreparable financial, physical and emotional damages upon the Plaintiff and her family.

2. Sheriff served defendant on July 28, 2006 providing defendant, SCU, until August 18th to answer.

3. Plaintiff, Joan T. Kloth, gave the defendant 69 days to answer.

4. On October 5, 2006, Plaintiff finally filed for a Summary Judgment as defendant, SCU, never responded to the initial lawsuit.

5. Do to defendant's, SCU's, willful refusal to respond with an answer, plaintiff, Joan T. Kloth, requests that the courts find the defendant also responsible for any and all student loans related to this lawsuit. The plaintiff fears that defendant, SCU, will not pay the award and thus leave plaintiff still liable for the student loans

for the degree which the defendant breached the implied contract to provide a complete education for said degree related to the student loans.

WHEREFORE, the Plaintiff respectfully requests that the Court amend the Complaint against the Defendant for Breach of the Implied Contract to provide the student with a complete education to include defendant as sole responsibility for the student loans incurred by the Plaintiff. Furthermore, Plaintiff requests this Court order the Defendant to pay all costs, including court costs, attorney's fees for the bringing of this motion, including \$58,000 in student loans for a degree Plaintiff is unable to obtain. Plaintiff was denied the opportunity to obtain a degree, which would have led to her licensure as a therapist. This impediment cost the Plaintiff a livelihood and lost income over the next 30 years calculated at a part-time rate for a minimum monetary loss of \$2,000,000. Plaintiff also incurred and continues to incur emotional damages and financial damages from the devastation incurred in trying to find a clinical training site to complete her degree. Plaintiff requests the courts find in Plaintiff's favor along with any other such relief as the Court may deem the plaintiff is entitled to.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Joan T. Kloth", is written over a horizontal line.

JOAN T. KLOTH
31 Winter Haven Drive, Apt. 1
Newark, DE 19702
Pro-Se

**UNITED STATES DISTRICT COURT
AND FOR THE DISTRICT OF DELAWARE
CASE NO. 06-244-SLR**

Joan T. Kloth

PLAINTIFF

Vs.

Southern Christian University;
Board of Directors;

DEFENDANTS

MOTION TO AMEND COMPLAINT

ORDER

AND NOW, this _____, day of _____, 200____, the Courts having heard and considered the
Plaintiffs Motion for Summary Judgment and any response thereto,

IT IS HEREBY ORDERED that the plaintiff's Motion for Summary Judgment is hereby granted. There
being no cause for delay, the Court enters this Order as a Final Judgment pursuant to District Court Civil Rule 54.

BY THE COURT,

Judge/Clerk

UNITED STATES DISTRICT COURT
AND FOR THE DISTRICT OF DELAWARE

CASE NO. 06-244-SLR

Joan T. Kloth

PLAINTIFF

Vs.

Southern Christian University;
Board of Directors, et.al

DEFENDANTS

AFFIDAVIT OF SERVICE

STATE OF DELAWARE:

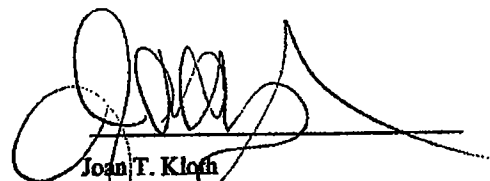
COUNTY OF NEW CASTLE:

SS.

BE IT REMEMBERED THAT on this the 16 day of the month of October, 2006, I,
Joan T. Kloth mailed, first-class postage prepaid, two (2) copies of the Motion to Amend Complaint to Southern
Christian University and it's Board of Directors, et.al, at 1200 Taylor Avenue, Montgomery, AL 36117-3553.

Certified Registered Mail No. 7005 3110 0002 6755 2947

Return Receipt No. " "


Joan T. Kloth
Plaintiff, Pro-Se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *Responsive Brief of Defendants in Opposition to Motion of Plaintiff for Summary Judgment* was caused to be served on October 20, 2006 upon the below noted party at the record address noted for such *pro se* party by first-class mail, postage pre-paid:

Joan T. Kloth
37 Winter Haven Drive
Apt 1
Newark, DE 19702



Michael P. Migliore (DE Bar #4331)